

### **REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks.

By this amendment, claims 24, 25, and 27 have been amended, and new claim 28 has been added. Therefore, claims 24-28 are pending.

Claims 24 and 27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed for the following reasons.

The Examiner asserts that there is an inconsistency in the claim language of claims 24 and 27. First, please note that Claims 24 and 27 have been amended herein to further clarify the language regarding the function of the parameter sets is only intended as a broad recitation that the function of the parameter sets is generally “for decoding pictures in the random access unit” so as to avoid a claim construction requiring the parameter sets to necessarily decode all the pictures, i.e., all pictures including the first I-picture. Thus, Claims 24 and 27 generally recite that (1) the current picture to be coded is included in a random access unit, (2) the random access unit includes: pictures belonging to a group of pictures starting with a first I-picture which is a first random access point and ending with a picture located immediately-before a second I-picture which is a second random access point; and parameter sets for decoding pictures; and (3) the current picture is located after the first I-picture in coding order. Moreover, as noted by the Examiner, claims 24 and 27 explicitly recite that the selected and coded parameter set is unnecessary for the first I-picture. These recitations are not inconsistent, and thus do not render the claim indefinite. According to the language of claims 24 and 27, the current picture to be coded is included in a random access unit, the current picture is located after the first I-picture, and the selected and coded parameter set is unnecessary for the first I-picture.

In view of the above, it is submitted that claims 24 and 27 are not indefinite under 35 U.S.C. § 112, second paragraph.

Claims 25-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Schiller (published European Patent Application EP 1385337). This rejection is not proper because Schiller is not prior art to the present application.

The present application is a PCT National Stage application with an international filing date, and thus U.S. filing date, of December 9, 2003. The Schiller application has a publication date of

January 28, 2004, which is after the filing date of the present application. Accordingly, Schiller is not prior art to the present application.

New claim 28 has been added and recites a computer-readable recording medium having a coded stream recorded thereon, the coded stream having a data structure including a random access unit comprising: a group of pictures starting with a first I-picture which is a first random access point and ending with a picture located immediately-before a second I-picture which is a second random access point; and a coded parameter set located before the first I-picture for decoding pictures to be included in the random access unit, wherein the coded stream is configured to cause a computer to decode a succeeding picture located after the first I-picture based on the coded parameter set and to cause the computer to not use the coded parameter set for decoding the first I-picture.

In view of the above, it is submitted that claims 24-28 are allowable over the prior art of record, and that the present application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Shinya KADONO et al.

/Jeffrey R. Filipek/

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Jeffrey R. Filipek  
Registration No. 41,471  
Attorney for Applicants

JRF/fs  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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